

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:20-CV-00039-KDB**

**MICHAEL RINK,**

**Plaintiffs,**

**v.**

**VICOF II TRUST,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on Plaintiff’s Motion to Seal. (Doc. No. 96). For the reasons briefly discussed below, the Court will **DENY** the Motion as moot.

Plaintiff seeks to file its third Motion in Limine, Doc. No. 97, under seal because it “describes and contains material the Estate has designated ‘Confidential’ under the Protective Order.” *Id.* However, the information Plaintiff seeks to protect is already in the public record due to its inclusion in Defendant’s Response to Plaintiff’s Motion for Summary Judgment. (*See* Doc. No. 63). Therefore, the Motion is moot and will be denied.<sup>1</sup>

**I. ORDER**

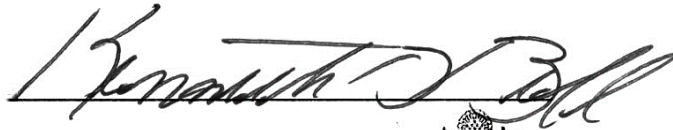
**NOW THEREFORE IT IS ORDERED THAT** Plaintiff’s Motion to Seal, (Doc. No. 96), is **DENIED** as moot.

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<sup>1</sup> In any event, Plaintiff’s bare-bones Motion is insufficient to meet the heavy burden under the First Amendment to limit the public’s right of access. *See Duke Energy Carolinas, LLC v. NTE Carolinas II, LLC*, No. 3:19-CV-00515-KDB-DSC, 2022 U.S. Dist. LEXIS 69398 (W.D.N.C. Apr. 14, 2022).

**SO ORDERED ADJUDGED AND DECREED.**

Signed: April 20, 2022

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell  
United States District Judge

